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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA D. RAJAPAKSE,

Plaintiff,

-against-

SEYFARTH SHAW; ROBERT SZYBA,
PARTNER; CARLA LANIGAN, COUNSEL,

Defendants.

20-CV-10473 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 15, 2021, the undersigned referred this matter to Magistrate Judge Wang for general pretrial management and for the preparation of reports and recommendations on any dispositive motions, Dkt. 12;

WHEREAS on May 18, 2021, Defendants filed a motion to dismiss the Amended Complaint, Dkt. 25;

WHEREAS on May 24, 2021, Plaintiff responded in opposition to the motion to dismiss, Dkt. 29, and on May 28, 2021, Defendants replied in support of their motion, Dkt. 31;

WHEREAS on June 8, 2021, Magistrate Judge Wang stayed discovery pending resolution of the fully briefed Motion to Dismiss, Dkt. 42 at 11; and

WHEREAS despite the stay, Plaintiff has filed a number of other motions, including motions for summary judgment, *see* Dkts. 34, 39, and 57; and

WHEREAS Plaintiff has also requested that the Court lift the stay, Dkt. 60.

IT IS HEREBY ORDERED that Plaintiff's request to lift the stay is DENIED. Judge Wang is well within her discretion to order a stay in this matter pending resolution of the motion to dismiss. *See* Fed. R. Civ. P. 26(c); *Republic of Turkey v. Christie's, Inc.*, 316 F. Supp. 3d 675,

677 (S.D.N.Y. 2018) (“Upon a showing of good cause a district court has considerable discretion to stay discovery pursuant to Rule 26(c).” (cleaned up)).

IT IS FURTHER ORDERED that Plaintiff’s remaining motions are DENIED without prejudice. A motion for summary judgment is more appropriate at the conclusion of discovery. Additionally, the parties may benefit from the Court’s ruling on the motion to dismiss when filing any motion for summary judgment. Although a motion for summary judgment may become appropriate at a later stage of the proceedings, such a motion is premature at this time.

IT IS FURTHER ORDERED that Plaintiff must obtain leave from Magistrate Judge Wang before filing any additional motions during the pendency of the discovery stay. Any request for such leave: (i) must be titled “Request for Leave to File a Motion;” (ii) it may not exceed one page in length, and (iii) it should explain why Plaintiff should be permitted to file the motion, notwithstanding the discovery stay that is in effect. Any failure to adhere to this requirement may result in an order to show cause why sanctions, including dismissal of this case, should not be imposed against Plaintiff.

IT IS FURTHER ORDERED that the Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to close the open motions at docket entries 34, 39, 57, and 60. The Clerk is further directed to mail a copy of this Order to the *pro se* Plaintiff and to note the mailing on the docket.

SO ORDERED.

Date: December 1, 2021
New York, NY



VALERIE CAPRONI
United States District Judge